

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA

TIMOTHY EARL AGEE,	)	
	)	
Petitioner,	)	8:08CV355
	)	
v.	)	
	)	
FRED BRITTEN,	)	ORDER
	)	
Respondent.	)	
_____	)	

Petitioner has filed a Petition for Writ of Habeas Corpus under [28 U.S.C. § 2254](#) ([Filing No. 1](#)), a Motion for Leave to Proceed in Forma Pauperis, ([Filing No. 2](#)) and a copy of his institutional trust account statement ([Filing No. 3](#)).

Habeas corpus cases attacking the legality of a person's confinement require the payment of a \$5.00 fee. [28 U.S.C. § 1914\(a\)](#). However, pursuant to [28 U.S.C. § 1915\(a\)\(1\)-\(2\)](#), and after considering petitioner's financial status as shown in the records of this court, provisional leave to proceed in forma pauperis will be granted, but petitioner must nevertheless pay the \$5.00 fee within sixty (60) days. The Court cautions the petitioner that failure to adequately comply with this order may result in dismissal of his petition without further notice.

IT IS ORDERED:

1. The application to proceed in forma pauperis ([Filing No. 2](#)) is provisionally granted, but petitioner shall pay the \$5.00 filing fee by October 13, 2008.

2. The clerk of the court is directed to set a pro se case management deadline in this case with the following text:  
October 13, 2008: deadline for payment of \$5.00 filing fee.

DATED this 15th day of August, 2008.

BY THE COURT:

/s/ Lyle E. Strom

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LYLE E. STROM, Senior Judge  
United States District Court